



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LABELED PEPTIDES, PROTEINS AND ANTIBODIES AND PROCESSES AND INTERMEDIATES USEFUL FOR THEIR PREPARATION.**

The specification of which was filed on April 20, 2001 as application serial no. 09/839,577 and was amended on April 20, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number  
PCT/US00/26821

Filing Date  
September 29, 2000

Status  
Pending



I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. P-48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Drake, Eduardo E.	Reg. No. 40,594	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fordenbacher, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gamon, Owen J.	Reg. No. 36,143	McTavish, Hugh E.	Reg. No. P-48,341	Tong, Viet V.	Reg. No. 45,416
Gorrie, Gregory J.	Reg. No. 36,530	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**

**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Klaus M. Hahn

Citizenship: United States of America

Residence: San Diego, CA

Post Office Address: 10258 Saunders Drive  
San Diego, CA 92131

Signature: Klaus Hahn

Date:

July 5, 2001

Klaus M. Hahn

Full Name of joint inventor number 2 : Alexei Touthkine

Citizenship: United States of America

Residence: San Diego, CA, Administration

Post Office Address: 1647 Grand Ave #3  
San Diego, CA 92109  
Administration

Signature: A Touthkine

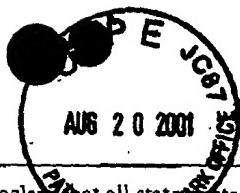
Date:

07/05/01

Alexei Touthkine

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1361.007US1  
 Serial No. 09/839,577  
 Filing Date: April 20, 2001



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Rajeev Muthyalu  
 Citizenship: United States of America  
 Post Office Address: 1611 Valley Road, Apt. #B2  
 Champaign, IL 61820

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Rajeev Muthyalu

Full Name of joint inventor number 4 : Vadim Kraynov  
 Citizenship: United States of America Residence: San Diego, CA  
 Post Office Address: 7873 Avenida Navidad, Apt 267 10680 ARBORE HEIGHTS LANE *VK*  
 San Diego, CA 92122 92121 *VK*

Signature: V Kraynov Date: 7/9/01  
 Vadim Kraynov

Full Name of joint inventor number 5 : Steven J. Bark  
 Citizenship: United States of America Residence: San Diego, CA  
 Post Office Address: 10730 Carillon Court  
 San Diego, CA 92131

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Steven J. Bark

Full Name of joint inventor number 6 : Dennis R. Burton  
 Citizenship: United Kingdom Residence: La Jolla, CA  
 Post Office Address: 6044 Beaumont Avenue  
 La Jolla, CA 92037

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Dennis R. Burton

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1361.007US1  
Serial No. 09/839,577  
Filing Date: April 20, 2001



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7: Chester Chamberlain

Citizenship: United States of America

Residence: San Diego, CA

Post Office Address:  
10925 Decatur Road  
San Diego, CA 92126

Signature: CCH \_\_\_\_\_

Date: 7/9/01 \_\_\_\_\_

Chester Chamberlain

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Full Name of inventor:

Citizenship:

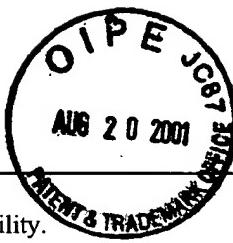
Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_



§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LABELED PEPTIDES, PROTEINS AND ANTIBODIES AND PROCESSES AND INTERMEDIATES USEFUL FOR THEIR PREPARATION.**

The specification of which was filed on April 20, 2001 as application serial no. 09/839,577 and was amended on April 20, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**Application Number**  
PCT/US00/26821

**Filing Date**  
September 29, 2000

**Status**  
Pending



I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. P-48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Schwiegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Drake, Eduardo E.	Reg. No. 40,594	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fordenbacher, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gamon, Owen J.	Reg. No. 36,143	McTavish, Hugh E.	Reg. No. P-48,341	Tong, Viet V.	Reg. No. 45,416
Gorrie, Gregory J.	Reg. No. 36,530	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwiegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwiegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Klaus M. Hahn**

Citizenship: **United States of America**  
Post Office Address: **10258 Saunders Drive  
San Diego, CA 92131**

Residence: **San Diego, CA**

Signature: \_\_\_\_\_

**Klaus M. Hahn**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Alexei Touthkine**

Citizenship: **United States of America**  
Post Office Address: **1647 Grand Ave #3  
San Diego, CA 92109  
Administration**

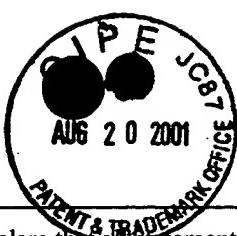
Residence: **San Diego, CA, Administration**

Signature: \_\_\_\_\_

**Alexei Touthkine**

Date: \_\_\_\_\_

X Additional inventors are being named on separately numbered sheets, attached hereto.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Rajeev Muthyala

Citizenship: United States of America Residence: Champaign, IL

Post Office Address: 1611 Valley Road, Apt. #B2  
Champaign, IL 61820

Signature: M.S. Rajeev

Rajeev Muthyala

Date: 7/5/01

Full Name of joint inventor number 4 : Vadim Kraynov

Citizenship: United States of America

Residence: San Diego, CA

Post Office Address: 7873 Avenida Navidad, Apt. 267  
San Diego, CA 92122

Signature: \_\_\_\_\_

Vadim Kraynov

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Steven J. Bark

Citizenship: United States of America

Residence: San Diego, CA

Post Office Address: 10730 Carillon Court  
San Diego, CA 92131

Signature: \_\_\_\_\_

Steven J. Bark

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : Dennis R. Burton

Citizenship: United Kingdom

Residence: La Jolla, CA

Post Office Address: 6044 Beaumont Avenue  
La Jolla, CA 92037

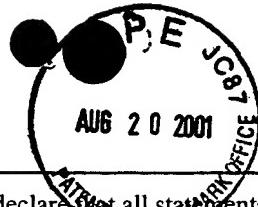
Signature: \_\_\_\_\_

Dennis R. Burton

Date: \_\_\_\_\_

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1361.007US1  
Serial No. 09/839,577  
Filing Date: April 20, 2001



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7 : Chester Chamberlain

Citizenship: United States of America  
Post Office Address: 10925 Decatur Road  
San Diego, CA 92126

Residence: San Diego, CA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Chester Chamberlain

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_



**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LABELED PEPTIDES, PROTEINS AND ANTIBODIES AND PROCESSES AND INTERMEDIATES USEFUL FOR THEIR PREPARATION.**

The specification of which was filed on April 20, 2001 as application serial no. 09/839,577 and was amended on April 20, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

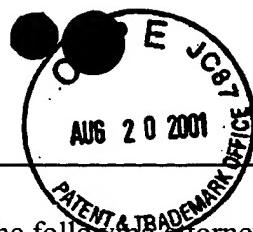
**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**Application Number**  
PCT/US00/26821

**Filing Date**  
September 29, 2000

**Status**  
Pending



I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. P-48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Klma-Silberg, Catherine I.	Reg. No. 40,052	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Drake, Eduardo E.	Reg. No. 40,594	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fordenbacher, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gamon, Owen J.	Reg. No. 36,143	McTavish, Hugh E.	Reg. No. P-48,341	Tong, Viet V.	Reg. No. 45,416
Gorrie, Gregory J.	Reg. No. 36,530	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402**

**Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Klaus M. Hahn**

Citizenship: **United States of America**  
Post Office Address: **10258 Saunders Drive  
San Diego, CA 92131**

Residence: **San Diego, CA**

Signature: \_\_\_\_\_

**Klaus M. Hahn**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Alexei Toutchkine**

Citizenship: **United States of America**  
Post Office Address: **1647 Grand Ave #3  
San Diego, CA 92109  
Administration**

Residence: **San Diego, CA, Administration**

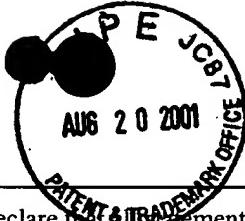
Signature: \_\_\_\_\_

**Alexei Toutchkine**

Date: \_\_\_\_\_

Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1361.007US1  
Serial No. 09/839,577  
Filing Date: April 20, 2001



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Rajeev Muthyala

Citizenship: **United States of America**  
Post Office Address: **1611 Valley Road, Apt. #B2  
Champaign, IL 61820**

Residence: **Champaign, IL**

Signature:

Rajeev Muthyala

Date:

Full Name of joint inventor number 4 : Vadim Kraynov

Citizenship: **United States of America**  
Post Office Address: **7873 Avenida Navidad, Apt. 267  
San Diego, CA 92122**

Residence: **San Diego, CA**

Signature:

Vadim Kraynov

Date:

Full Name of joint inventor number 5 : Steven J. Bark

Citizenship: **United States of America**  
Post Office Address: **10730 Carillon Court  
San Diego, CA 92131**

Residence: **San Diego, CA**

Signature:

Steven J. Bark

Date:

7/5/01

Full Name of joint inventor number 6 : Dennis R. Burton

Citizenship: **United Kingdom**  
Post Office Address: **6044 Beaumont Avenue  
La Jolla, CA 92037**

Residence: **La Jolla, CA**

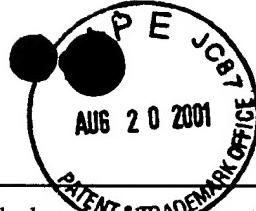
Signature:

Dennis R. Burton

Date:

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1361.007US1  
Serial No. 09/839,577  
Filing Date: April 20, 2001



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7 : Chester Chamberlain

Citizenship: **United States of America**  
Post Office Address: 10925 Decatur Road  
San Diego, CA 92126

Residence: **San Diego, CA**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Chester Chamberlain

---

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---

Full Name of inventor:

Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

---



§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LABELED PEPTIDES, PROTEINS AND ANTIBODIES AND PROCESSES AND INTERMEDIATES USEFUL FOR THEIR PREPARATION.**

The specification of which was filed on April 20, 2001 as application serial no. 09/839,577 and was amended on April 20, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number  
PCT/US00/26821

Filing Date  
September 29, 2000

Status  
Pending



I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. P-48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Bianchi, Timothy E.	Reg. No. 39,610	Hill, Stanley K.	Reg. No. 37,548	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Parker, J. Kevin	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Jurkovich, Patti J.	Reg. No. 44,813	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kalis, Janal M.	Reg. No. 37,650	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Kluth, Daniel J.	Reg. No. 32,146	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Drake, Eduardo E.	Reg. No. 40,594	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. 45,458
Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fordenbacher, Paul J.	Reg. No. 42,546	Mates, Robert E.	Reg. No. 35,271	Stordal, Leif T.	Reg. No. 46,251
Forrest, Bradley A.	Reg. No. 30,837	McCrackin, Ann M.	Reg. No. 42,858	Terry, Kathleen R.	Reg. No. 31,884
Gamon, Owen J.	Reg. No. 36,143	McTavish, Hugh E.	Reg. No. P-48,341	Tong, Viet V.	Reg. No. 45,416
Gorrie, Gregory J.	Reg. No. 36,530	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Klaus M. Hahn**

Citizenship: **United States of America**

Residence: **San Diego, CA**

Post Office Address: **10258 Saunders Drive**

**San Diego, CA 92131**

Signature: \_\_\_\_\_

**Klaus M. Hahn**

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : **Alexei Toutchkine**

Citizenship: **United States of America**

Residence: **San Diego, CA, Administration**

Post Office Address: **1647 Grand Ave #3**

**San Diego, CA 92109**

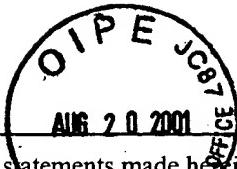
**Administration**

Signature: \_\_\_\_\_

**Alexei Toutchkine**

Date: \_\_\_\_\_

Additional inventors are being named on separately numbered sheets, attached hereto.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 3 : Rajeev Muthyala

Citizenship: **United States of America**  
Post Office Address: **1611 Valley Road, Apt. #B2  
Champaign, IL 61820**

Residence: **Champaign, IL**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Rajeev Muthyala**

Full Name of joint inventor number 4 : Vadim Kraynov

Citizenship: **United States of America**  
Post Office Address: **7873 Avenida Navidad, Apt. 267  
San Diego, CA 92122**

Residence: **San Diego, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Vadim Kraynov**

Full Name of joint inventor number 5 : Steven J. Bark

Citizenship: **United States of America**  
Post Office Address: **10730 Carillon Court  
San Diego, CA 92131**

Residence: **San Diego, CA**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven J. Bark**

Full Name of joint inventor number 6 : Dennis R. Burton

Citizenship: **United Kingdom**  
Post Office Address: **6044 Beaumont Avenue  
La Jolla, CA 92037**

Residence: **La Jolla, CA**

Signature:  Date: 07-03-01  
**Dennis R. Burton**

Additional inventors are being named on separately numbered sheets, attached hereto.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 7 : Chester Chamberlain

Citizenship: **United States of America**

Residence: **San Diego, CA**

Post Office Address:  
10925 Decatur Road  
San Diego, CA 92126

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chester Chamberlain

\_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_



§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.